

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hilary Hudson	Team: Team # 2	CCRB Case #: 201006148	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/07/2010 5:00 PM	Location of Incident: § 87(2)(b)	Precinct: 28	18 Mo. SOL 11/7/2011	EO SOL 11/7/2011	
Date/Time CV Reported Mon, 05/10/2010 9:40 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/10/2010 9:40 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT John Tancredi	01061	924537	028 PCT
2. POM Christopher Hager	29807	925412	028 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jacob Merino	04888	928777	028 PCT
2. POM Muhammed Perez	02569	921081	028 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT John Tancredi	Abuse: Sgt. John Tancredi supervised the stop of § 87(2)(b)	
B.SGT John Tancredi	Abuse: Sgt. John Tancredi supervised the search of § 87(2)(b)	
C.SGT John Tancredi	Abuse: Sgt. John Tancredi supervised the entry and search of § 87(2)(b) in Manhattan.	
D.SGT John Tancredi	Abuse: Sgt. John Tancredi refused to provide his shield number to § 87(2)(b)	
E.POM Christopher Hager	Abuse: PO Christopher Hager refused to provide his shield number to § 87(2)(b)	

Case Summary

§ 87(2)(b) and § 87(2)(b) filed this complaint via telephone with the CCRB on May 10, 2010 (encl. 4A-C).

On May 7, 2010, at approximately 5:00 p.m., Sgt. John Tancredi, PO Christopher Hager, PO Jacob Merino, and PO Muhammed Perez went to § 87(2)(b) in Manhattan to conduct a vertical patrol. The following allegations resulted:

- **Allegation A – Abuse of Authority:** Sgt. John Tancredi supervised the stop of § 87(2)(b)
- **Allegation B – Abuse of Authority:** Sgt. John Tancredi supervised the search of § 87(2)(b) § 87(2)(g)
- **Allegation C – Abuse of Authority:** Sgt. John Tancredi supervised the entry and search of § 87(2)(b) § 87(2)(b) in Manhattan.
- **Allegation D – Abuse of Authority:** Sgt. John Tancredi refused to provide his shield number to § 87(2)(b)
- **Allegation E – Abuse of Authority:** PO Christopher Hager refused to provide his shield number to § 87(2)(b) § 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old black male, 5'11" tall, 265 pounds, with black hair and brown eyes.

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on May 26, 2010 (encl. 7A-D). On May 7, 2010, at approximately 5:00 p.m., § 87(2)(b) left his apartment building, § 87(2)(b) § 87(2)(b) in Manhattan. He was alone and locked the building door behind him. When § 87(2)(b) was outside he saw a black Chevy Impala with four males seated inside. § 87(2)(b) did not realize they were plainclothes officers. He kept walking and the four males got out of the Impala.

One of the officers, identified through the investigation as PO Jacob Merino, asked § 87(2)(b) to come over there. § 87(2)(b) ignored PO Merino and kept walking. § 87(2)(b) recognized PO Merino from a prior interaction. The other three officers were identified through the investigation as Sgt. John Tancredi, PO Christopher Hager, and PO Muhammed Perez.

When § 87(2)(b) kept walking, PO Merino identified himself as an officer and repeated his request for § 87(2)(b) to come over there. § 87(2)(b) stopped walking and said that PO Merino knew him § 87(2)(b). PO Merino confirmed that and said § 87(2)(b)'s name. PO Merino asked if there were any illegal activities going on in the building, and § 87(2)(b) said he did not know and told the officers to do their job. PO Merino then told § 87(2)(b) they were going to search him. § 87(2)(b) put his hands up, denied having anything on him, and stated that if they needed his ID, it was in the wallet in his left front pants pocket.

PO Merino and Sgt. Tancredi squeezed the outside of § 87(2)(b)'s front pants pockets. Sgt. Tancredi removed § 87(2)(b)'s wallet and keys and threw the keys over to PO Hager. PO

Hager then went over to § 87(2)(b)'s building and opened the building door. Sgt. Tancredi gave § 87(2)(b) his wallet back and told him to get out of there and to have a nice day. All four of the officers entered the building. § 87(2)(b) did not want to get arrested so he walked down the block and got food at a nearby restaurant. § 87(2)(b)'s cousin, § 87(2)(b) saw the officers go into the building. § 87(2)(b) was unable to provide § 87(2)(b) address or phone number.

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old black female, 6'2" tall, 220 pounds, with black hair and brown eyes.

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on May 26, 2010 (encl. 8A-D). At 5:00 p.m. on May 7, 2010, at § 87(2)(b)'s § 87(2)(b) in Manhattan, § 87(2)(b) was asleep in her bedroom with the door ajar when she heard a commotion outside of her room. Her granddaughter, § 87(2)(b) was yelling at someone for searching the apartment and asked about a search warrant. § 87(2)(b) jumped out of bed and saw two male officers dressed in plainclothes standing in her doorway. These officers were identified through the investigation as Sgt. Tancredi and PO Hager. A couple of months prior, these officers arrested § 87(2)(b) for smoking marijuana.

§ 87(2)(b) asked the officers what happened. PO Hager told her to take it easy and mentioned there were some boys outside of the building smoking and selling marijuana. She asked how the officers got inside. One of the officers told her they found the door open and came inside. § 87(2)(b) did not believe them because she never leaves the door open.

Sgt. Tancredi and PO Hager opened the living room door and saw several children who had just gotten out of school were in there playing a game. Sgt. Tancredi walked over to another bedroom in the apartment and asked who stayed in that bedroom. § 87(2)(b) replied that her cousin "Ran" stays in that bedroom, but he was at the doctor. Sgt. Tancredi tried to open that bedroom door but it was locked, so he kicked the door and it opened. Sgt. Tancredi went into "Ran's" room and saw a red bag containing his diabetes medication. Sgt. Tancredi asked where the drugs were. There was a bag of dry cat food in the bedroom, which Sgt. Tancredi searched before overturning its contents into the litter box. § 87(2)(b) was able to see this because she was standing in the hallway.

Then Sgt. Tancredi asked where § 87(2)(b)'s bedroom was. § 87(2)(b) told Sgt. Tancredi that they had arrested him the week before, asked why they were looking for § 87(2)(b)'s room, and told them to get out of her house. Sgt. Tancredi opened § 87(2)(b)'s bedroom door and went inside. Sgt. Tancredi lifted up the mattress, looked in the garbage can, and walked out of the bedroom.

§ 87(2)(b) walked to her apartment door, opened it, and saw there were two officers and two unknown boys outside of her apartment, on the stairs between the 3rd and 2nd floors. These officers were identified through the investigation as PO Merino and PO Perez and the boys were identified as § 87(2)(b) and § 87(2)(b). PO Merino or PO Perez asked § 87(2)(b) if she knew the boys, but she said no.

§ 87(2)(b) asked one of the officers for his shield number. § 87(2)(b) was not sure which officer she asked. The officer turned to her and asked if she is § 87(2)(b)'s sister. § 87(2)(b) told the officer she was going to the police stationhouse because they had no right to open the door.

Victim: § 87(2)(b)

- § 87(2)(b) is an § 87(2)(b)-old black female, 5'9" tall, 194 pounds, with black hair and dark brown eyes.

CCRB Testimony

§ 87(2)(b) was interviewed by the CCRB on May 26, 2010 (encl. 9A-D). On May 7, 2010, at approximately 5:00 p.m., § 87(2)(b) was coming home from her sister-in-law § 87(2)(b) house on § 87(2)(b) § 87(2)(b) in Manhattan. § 87(2)(b) lives at § 87(2)(b) § 87(2)(b) in Manhattan. § 87(2)(b) had just gotten to § 87(2)(b) § 87(2)(b) when she received a call from her cousin, § 87(2)(b) who informed her that officers were inside of the apartment. § 87(2)(b) also saw her brother § 87(2)(b) on the corner.

§ 87(2)(b) entered her building. When she got upstairs she saw two plainclothes officers standing outside of her apartment door. These officers were identified through the investigation as PO Merino and PO Perez. PO Merino and PO Perez were speaking to two unknown boys, identified through the investigation as § 87(2)(b) and § 87(2)(b). § 87(2)(b) ignored PO Merino and PO Perez and went inside of her apartment. § 87(2)(b)'s keys were left in the apartment door. She saw that there were two other plainclothes officers, identified through the investigation as Sgt. Tancredi and PO Hager, walking towards the apartment door on their way out. Sgt. Tancredi and PO Hager had arrested § 87(2)(b) the week prior. Behind Sgt. Tancredi and PO Hager in the living room were § 87(2)(b)'s grandmother, § 87(2)(b) as well as her three cousins under the age of twelve, § 87(2)(b) and § 87(2)(b). § 87(2)(b) could not provide their contact information.

§ 87(2)(b) immediately began asking Sgt. Tancredi and PO Hager what they were doing in the apartment and whether they had a warrant. § 87(2)(b) also asked Sgt. Tancredi and PO Hager for their shield numbers but neither provided the information. One of them told her to go downstairs and to shut up. Sgt. Tancredi and PO Hager left and § 87(2)(b) followed after them downstairs, but the officers got into a vehicle and drove away.

Attempts to Contact Civilian Witnesses

- A LexisNexis search returned a possible address and phone number for § 87(2)(b). Letters were mailed to him on June 2, 2010 and June 14, 2010, and they were not returned to the CCRB by the U.S. Postal Service. On June 28, 2010, a female was reached at the phone number and stated that no one named § 87(2)(b) can be reached at her number. As of December 9, 2010, § 87(2)(b) has not responded to the letters.
- A LexisNexis search for § 87(2)(b) listed an address but no phone number. Letters were mailed to her on June 2, 2010 and June 14, 2010, and they were not returned to the CCRB by the U.S. Postal Service. As of December 9, 2010, § 87(2)(b) has not responded to the letters.
- Because § 87(2)(b) did not provide contact information for her young cousins, § 87(2)(b) and § 87(2)(b) the CCRB was unable to contact them.
- NYPD records indicated the two males stopped in the building were § 87(2)(b) and § 87(2)(b) (encl.). LexisNexis searches for § 87(2)(b) and § 87(2)(b) returned one address each, but no phone numbers. Letters were mailed to them on July 9, 2010 and July 19, 2010. None of the letters were returned to the CCRB by the U.S. Postal Service. As of December 9, 2010, § 87(2)(b) and § 87(2)(b) have not responded to the letters.

NYPD Statements:

Subject Officer: SGT. JOHN TANCREDI

- § 87(2)(b) -old white male, 5'9" tall, 180 pounds, with black hair and hazel eyes.
- On the date of the incident, working as the 28th Precinct anti-crime sergeant. He worked from 9:46 a.m. until 6:30 p.m., was partnered with PO Hager, PO Perez, and PO Merino, was dressed in plainclothes, and was assigned to vehicle #282.

Memo Book

At 4:40 p.m., they conducted a vertical patrol inside of § 87(2)(b) § (encl. 11A-E). At 4:42 p.m., two males were stopped inside of the building. At 4:55 p.m., two stop, question, and frisk reports were prepared by PO Perez and PO Merino.

CCRB Testimony

Sgt. Tancredi was interviewed at the CCRB on September 8, 2010 (encl. 12A-B). On May 7, 2010, at approximately 4:40 p.m., Sgt. Tancredi, PO Hager, PO Perez, and PO Merino entered § 87(2)(b) § in Manhattan in order to conduct a vertical patrol. Sgt. Tancredi and his partners did not stop anyone outside of the building. He did not remember if the building door was locked or unlocked, or how they got inside.

Somewhere in the building, possibly in the stairwell between the 1st and 2nd floors, Sgt. Tancredi and his partners saw two males standing. PO Perez and PO Merino stopped those two males while Sgt. Tancredi and PO Hager continued the vertical patrol. They went up to the roof and went back down the stairs.

On possibly the 4th floor, Sgt. Tancredi and PO Hager saw that an apartment door was about halfway open. They were unsure if the apartment was being burglarized. They approached the apartment door and called out to anyone who may have been inside, but no one came to the door. They knocked on the door a few times but no one responded. After a brief amount of time passed, an older woman § 87(2)(b) came to the door. § 87(2)(b) asked why the door was open and Sgt. Tancredi and PO Hager told her that was why they were knocking.

§ 87(2)(b) came out of her apartment and spoke to them. § 87(2)(f)

§ 87(2)(b) believed one of her kids must have left it open. She was nice and grateful and did not ask the officers to leave. Sgt. Tancredi and PO Hager never entered the apartment.

As Sgt. Tancredi and PO Hager started to continue down the stairs, a female § 87(2)(b) came up the stairs, approached the apartment, and screamed at them. § 87(2)(b) wanted to know what the "fuck" they were doing there and she called PO Hager a "motherfucker." § 87(2)(b) indicated that officers had recently arrested her brother. § 87(2)(b) never asked Sgt. Tancredi and PO Hager for their shield numbers.

Sgt. Tancredi and PO Hager kept walking down the stairs § 87(2)(f)

§ 87(2)(b) Sgt. Tancredi and PO Hager met up with PO Perez and PO Merino and left the building. As they were leaving, PO Hager told Sgt. Tancredi that they had arrested members of that family before for selling crack.

Subject Officer: PO CHRISTOPHER HAGER

- § 87(2)(b) -old white male, 5'11" tall, 200 pounds, with brown hair and hazel eyes.
- On the date of the incident, assigned to the 28th Precinct conditions team. He worked from 9:30 a.m. until 6:05 p.m., was partnered with Sgt. Tancredi, PO Perez, and PO Merino, was dressed in plainclothes, and was assigned to black Impala #722.

Memo Book

At 4:40 p.m., PO Hager and his partners conducted a vertical patrol inside § 87(2)(b) in Manhattan (encl. 14A-E). At 4:42 p.m., two males were stopped in the hallway. At 5:00 p.m., PO Perez and PO Merino prepared two stop, question, and frisk reports.

CCRB Testimony

PO Hager was interviewed at the CCRB on August 27, 2010 (encl. 15A-B). On May 7, 2010, at 4:40 p.m., PO Hager, Sgt. Tancredi, PO Perez, and PO Merino conducted a vertical patrol inside a drug-prone building located at § 87(2)(b) in Manhattan. Before going into the building, he did not see or interact with § 87(2)(b). PO Hager is familiar with § 87(2)(b) when he was arrested on an unknown date prior to this incident for dealing crack in front of § 87(2)(b).

The officers were able to get in the building because the door was open. As they were going up the stairs they saw two males § 87(2)(b) and § 87(2)(b) in the hallway/stairwell area between the 1st and 2nd floors. PO Perez and PO Merino dealt with § 87(2)(b) and § 87(2)(b) and he and Sgt. Tancredi continued on the vertical patrol.

On their way back down the stairs, PO Hager and Sgt. Tancredi noticed that the door to Apt. 3 on the 3rd floor was almost halfway open. Because this is a drug-prone building and people should not be leaving their door open, this appeared strange to PO Hager. He and Sgt. Tancredi went over to the door and knocked. No one came to the door. They cracked the door open a little, said hello, and knocked again.

After about five to seven minutes, an older woman § 87(2)(b) came down the hall and to the door. PO Hager and Sgt. Tancredi asked § 87(2)(b) why the door was open and advised her that the door should be closed because of the drug conditions in the building. PO Hager and Sgt. Tancredi never went into the apartment. When PO Hager and Sgt. Tancredi were walking away from that apartment, § 87(2)(b)'s granddaughter § 87(2)(b) came up to the apartment and start talking to § 87(2)(b). Neither he nor Sgt. Tancredi spoke to § 87(2)(b) and she did not ask PO Hager or Sgt. Tancredi for their shield numbers.

Witness Officer: PO JACOB MERINO

- § 87(2)(b) -old Hispanic male, 5'8" tall, 178 pounds, with black hair and brown eyes.
- On the date of the incident, assigned to the 28th Precinct conditions team. He worked from 10:00 a.m. until 8:35 p.m., was partnered with Sgt. Tancredi, PO Perez, and PO Hager, was dressed in plainclothes, and was assigned to an unmarked vehicle #772.

Memo Book

At 4:40 p.m., PO Merino was conducting a vertical patrol at § 87(2)(b) in Manhattan (encl. 17A-D). At 4:42 p.m., he had two black males stopped on the 2nd floor stairway.

Arrest Report

On April 27, 2010, at 4:00 p.m., PO Merino arrested § 87(2)(b) at § 87(2)(b) § for § 87(2)(b) (encl. 18).

Stop, Question, and Frisk Report

On May 7, 2010, at 4:42 p.m., inside of § 87(2)(b) §, § 87(2)(b) a § 87(2)(b) old black male, was suspected of criminal possession of a controlled substance (encl. 19A-B). PO Merino completed the report.

CCRB Testimony

PO Merino was interviewed at the CCRB on October 14, 2010 (encl. 20A-B). On May 7, 2010, at 4:40 p.m., PO Merino, Sgt. Tancredi, PO Perez, and PO Hager conducted a vertical patrol inside of § 87(2)(b) § in Manhattan. They did not interact with any civilians prior to entering the building. PO Merino is familiar with § 87(2)(b) because he arrested him at the same location, prior to this incident. PO Merino saw § 87(2)(b) on the block, possibly at the corner. None of the officers interacted with § 87(2)(b) before going into § 87(2)(b) §.

The officers entered the building through the front door. PO Merino did not know if the door was locked or unlocked or in some other condition. On the 2nd floor they encountered two black males § 87(2)(b) and § 87(2)(b) who do not reside in the building. PO Merino and PO Perez dealt with § 87(2)(b) and § 87(2)(b) while Sgt. Tancredi and PO Hager continued upstairs. PO Merino did not proceed beyond the 2nd floor.

Witness Officer: PO MUHAMMED PEREZ

- § 87(2)(b) -old Hispanic male, 6'0" tall, 250 pounds, with black hair and brown eyes.
- On the date of the incident, assigned to the 28th Precinct conditions team. He worked from 9:30 a.m. until 6:05 p.m., was partnered with Sgt. Tancredi, PO Hager, and PO Merino, was dressed in plainclothes, and was assigned to unmarked sedan #282.

Memo Book

At 4:40 p.m., PO Perez and his partners conducted a vertical patrol inside of § 87(2)(b) § (encl. 22A-C). At 4:42 p.m., a stop, question, and frisk report was prepared for § 87(2)(b) date of birth § 87(2)(b), for criminal possession of a controlled substance in the 7th degree, NY ID #§ 87(2)(b), address § 87(2)(b) §. PO Merino had another male stopped.

Stop, Question, and Frisk Report

On May 7, 2010, at 4:42 p.m., inside of § 87(2)(b) §, § 87(2)(b) a § 87(2)(b) year-old black male, was suspected of criminal possession of a controlled substance (encl. 23A-B). PO Perez completed the report.

CCRB Testimony

PO Perez was interviewed at the CCRB on August 27, 2010 (encl. 24A-B). On May 7, 2010, at 4:40 p.m., PO Perez, Sgt. Tancredi, PO Hager, and PO Merino conducted a vertical patrol inside of § 87(2)(b) § in Manhattan. They frequently perform vertical patrols in that building because it a drug-prone location. PO Perez did not recall seeing or interacting with § 87(2)(b) in front of the building. PO Perez is familiar with § 87(2)(b) because he is a crack dealer who was previously arrested by them.

When they were inside the building, they saw two males § 87(2)(b) and § 87(2)(b) on the staircase. PO Perez and PO Merino talked to them on the 2nd floor while PO

Hager and Sgt. Tancredi continued performing the vertical patrol. PO Perez never went above the 2nd floor that day.

NYPD Documents

Stop, Question, and Frisk Log

The stop, question, and frisk log indicated that PO Perez, PO Hager, and PO Merino completed thirteen of the twenty-three reports that were completed on May 7, 2010, between 3:00 p.m. and 11:59 p.m. (encl. 25).

Civilian Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History

- § 87(2)(b) and § 87(2)(b) have one other CCRB complaint (encl. 3). § 87(2)(b)

Officer CCRB History

- Sgt. Tancredi has been a member of the service for eleven years and has one substantiated CCRB allegation against him (encl. 1A-B).
 - In CCRB case 200912901, the Board substantiated a refusal to provide his name and shield number allegation. There is no NYPD disposition as of the writing of this report.
- PO Hager has been a member of the service for ten years and has no substantiated CCRB allegation against him (encl. 2).

Conclusion

Identification of Subject Officers

- Sgt. Tancredi and PO Hager acknowledged entering the building and interacting with § 87(2)(b). Sgt. Tancredi was also the ranking officer at the scene. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Sgt. John Tancredi supervised the stop of § 87(2)(b)

Allegation B – Sgt. John Tancredi supervised the search of § 87(2)(b)

§ 87(2)(b) claimed that, under the supervision of Sgt. Tancredi, he was stopped and searched in front of his building. § 87(2)(b) said his cousin, § 87(2)(b) witnessed this; however, § 87(2)(b) did not respond to the CCRB's contact attempts. PO Merino arrested § 87(2)(b) ten days prior to this incident, and as the officers drove up to the building, PO Merino saw § 87(2)(b) standing at a corner near § 87(2)(b) § 87(2)(b). Sgt. Tancredi, PO Hager, PO Merino, and PO Perez did not corroborate § 87(2)(b)'s claims that he was stopped and searched.

It is not disputed that Sgt. Tancredi, PO Hager, PO Merino, and PO Perez were at § 87(2)(b) § 87(2)(b) at the approximate incident time. They all had memo book entries confirming they conducted a vertical patrol there. PO Hager stated that they were able to enter the building

because its door was unlocked. Further, PO Perez, PO Hager, and PO Merino completed thirteen stop, question, and frisk reports during their May 7, 2010 tour. Although no stop, question, and frisk report exists for § 87(2)(b) two of those reports were completed for individuals stopped inside § 87(2)(b) § . § 87(2)(g)

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Allegation C – Sgt. John Tancredi supervised the entry and search of § 87(2)(b) in Manhattan.

Allegation D – Sgt. John Tancredi refused to provide his shield number to § 87(2)(b)

§ 87(2)(b)

Allegation E – PO Christopher Hager refused to provide his shield number to

§ 87(2)(b)

§ 87(2)(b) alleged that Sgt. Tancredi (and PO Hager, under Sgt. Tancredi's supervision) entered and searched her apartment. The officers told her they got into the apartment because the door was open. § 87(2)(b) saw Sgt. Tancredi and PO Hager as they were exiting the apartment and when she allegedly asked them for their shield numbers, they did not provide her with the information. § 87(2)(b) and § 87(2)(b) said that § 87(2)(b) was also in the apartment at the time, but § 87(2)(b) did not respond to the CCRB's contact attempts. According to Sgt. Tancredi and PO Hager, they continued the vertical patrol while PO Merino and PO Perez stayed behind with § 87(2)(b) and § 87(2)(b). Sgt. Tancredi and PO Hager saw the door to the § 87(2)(b)'s apartment was open. They denied going into the apartment and said they knocked at the door until § 87(2)(b) came to the door. Sgt. Tancredi and PO Hager also denied that § 87(2)(b) asked for their shield numbers. § 87(2)(g)

§ 87(2)(b)
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Team: 2

Investigator: _____
Signature Hilary Hudson Date
Print

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

